

Attachment to CP 600-24 –Terms and Conditions

TERMS AND CONDITIONS FOR CITY COUNCIL RECOGNITION OF
THE MISSION VALLEY PLANNING GROUP
AS AN INDEPENDENT COMMUNITY PLANNING GROUP
PER CITY COUNCIL POLICY 600-24

Introduction and Background

With the Terms and Conditions established herein, the City desires to establish minimum standards the Mission Valley Planning Group, the Mission Valley Planning Group will adhere to and designated services the CPG will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24 (Policy 600-24). CPGs are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. CPGs are not City-controlled or managed organizations. The City does not direct or recommend the election, appointment, or removal of CPG voting board members, or delegate authority to CPGs to act on its behalf.

The CPG, in adopting these Terms and Conditions, commits to meeting these minimum standards and to operating in a manner that abides by and conforms with the Brown Act, is transparent to the public, is accessible to and inclusive of all community members, and reflects the diversity of the communities where they operate. The CPG acknowledges that meeting the standards of this document is necessary to be formally recognized, and continue to be recognized, by the City Council (Council) as a CPG in the City of San Diego. The CPG acknowledges that the City can revoke recognition of any CPG if the City, in its sole discretion, determines these standards are not being met.

The CPG will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to the CPG's founding, operation, or organization.

The CPG will submit the documents listed in Exhibit B of these Terms and Conditions with its application for Council recognition and maintain these documents in accordance with sections 2.5 and 7.2 herein.

In consideration of Policy 600-24 and the Terms and Conditions established herein, the CPG hereby agrees to abide by the following:

1. Name and Geographical Boundaries

The name of this City recognized CPG shall be the **MISSION VALLEY PLANNING GROUP**.

The community planning boundaries of this CPG are the boundaries of the MISSION VALLEY Community, as shown in Exhibit A.

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, the CPG may work with City staff throughout the City's planning process when requested by the City, including during the formation of long-range community goals, objectives, and proposals or revisions for inclusion in a General or Community Plan.

2.2 Advisory CPG Review

The CPG may make advisory recommendations to the City and other governmental agencies on land use matters within the CPG's geographical boundaries or related matters associated with implementation of its community plan as shown in Exhibit A, including the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to its boundaries.

The CPG may, upon City request, make recommendations, or participate in, additional efforts such as identifying CIP infrastructure needs or additional City matters.

The CPG recognizes that City staff and development project applicants are not required by the City to present their project or application before the CPG although the City encourages applicants to conduct robust engagement with all CPGs, the community, and project neighbors.

2.3 Timely Submittal of CPG Recommendations to the City

In order to be considered as part of the City's development review process, CPG project review recommendations, if any, must be submitted to the City within seven (7) calendar days of the CPG taking action.

In addition, the CPG shall submit its recommendation and any conditions to the project proposed by the CPG, using Bulletin 620 Distribution Form, or reasonable facsimile.

The CPG will follow a uniform mandatory process for recording CPG project review recommendations through the use of an annual report that includes all project recommendations which shall be part of the CPG's official records.

2.4 Adherence to Ralph M. Brown Act

The CPG and its individual voting Board members must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open to the public, properly noticed, and in compliance with each of the Brown Act provisions. Failure of the CPG to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the CPG to lose its Council recognition and may subject the CPG and CPG voting board members to a loss of indemnification by the City.

2.5 Maintenance of Open Records

The CPG shall maintain its official records, including its 1. rosters, 2. annual reports, 3. meeting agendas, 4. applications to serve as voting board members, 5. evidence of completion of annual trainings, and 6. meeting minutes, for a minimum of five years (either on its website, in electronic files) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

Written applications submitted to the CPG by individuals wishing to serve as voting board members, and records of election results, are considered official records and will be maintained by the CPG in accordance with Policy 600-24. The CPG will submit to the City the rosters of CPG voting board members by May 1st of each year and will also submit to the City any changes to rosters as a result of CPG elections.

2.6 Independent Entity

The CPG is an independent entity from the City and must be able to operate as such. The City may provide assistance to CPGs at the discretion of the City Manager and subject to the availability of City resources. In addition, CPGs may be allocated funds by the City when such funding is approved by the City Council.

3. Community Participation and Representation

3.1 Board Membership

The CPG will ensure that voting board members of recognized CPGs, to the greatest extent possible, represent the entire community and community interests, including homeowners, renters, individuals with and without school age children, and diverse age groups.

The CPG and its voting board members should routinely seek robust community participation in the CPG planning and implementation process to serve the best long-term interest of the community at large. The CPG shall submit a detailed written Community Participation and Representation Plan to the City Council along with its application for recognition (see Exhibit B submitted with By-Laws).

3.2 Community Outreach

The CPG and its voting board members shall routinely seek community participation in the CPG planning and implementation process to serve the best long-term interest of the community at large.

3.3 Collection of Board Membership Data

To measure community representation, the CPG shall gather demographic data of existing and new CPG voting board members at the conclusion of elections or other regular periods to measure inclusion and diversity on the CPG. This data should be submitted to the City along with the annual roster required by Section 2.5. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

4. CPG Composition

4.1 Number of Voting Board Members

The CPG will have no fewer than 12 and no more than 20 voting Board members, respectively, representing the various community interests set forth in these Terms and Conditions. The Council may recognize a CPG with more than 20 voting members if the larger membership is necessary to give better representation to a community.

4.2 Voting Board Member Eligibility

The CPG will ensure that voting board members meet the following minimum qualifications throughout their entire term of service:

4.2.1 Minimum Age

Voting board members will be a minimum of 18 years of age.

4.2.2 Minimum Attendance Requirements

The CPG shall take attendance to ensure that each voting board member attends at least two-thirds of the CPG's regularly scheduled meetings in any 12-month period throughout their term as a voting board member. Failure to meet minimum attendance shall be grounds for disqualification of the voting board member. No attendance requirements for voting board member attendance prior to their election or appointment as a voting board member are allowed.

4.3 Community Representation

The CPG will ensure that voting board members be affiliated with the community as either a: (1) property owner, who is an individual identified as the sole or partial owner of record, or their employee, of a real property (either developed or undeveloped), within the community planning area; (2) resident, who is an individual whose primary address of residence is an address in the community planning area; or (3) local business person, who is a local business or non-profit owner, operator, or designee at a non-residential real property address in the community planning area as evidenced by a business tax certificate or other official document.

4.3.1 Appointed Seats

To ensure representation of unique stakeholder interests in the community planning area, the CPG may create appointed non-voting seats. These appointed non-voting seats are described in the CPG bylaws. re: Article III, Section 7.

4.4 Voting Board Member Term Limits

The CPG shall establish term limits for its voting board members to ensure that the membership is not dominated over time by individual voting board members or groups within the community. These term limits will conform with the following guidelines:

4.4.1 Maximum Time of Service

CPG voting board members will not serve their service time for more than eight consecutive years if elected to two- or four-year terms. CPG voting board members who accumulate this maximum service time can be eligible to serve again after a one-year break in service.

4.4.2 Waivers of Maximum Time of Service

The CPG procedures for waiving the maximum time of service by vote of its voting board members if the CPG cannot find sufficient new voting board members to fill vacant open seats after a good faith effort to do so. Should a CPG choose to exercise this waiver, it will use the following guidelines:

- (1) Waivers of Maximum Time of Service shall not be granted unless necessary to ensure there are at least 12 voting board members (See Section 4.1).
- (2) Waiver of Maximum Time of Service to ensure there are at least 12 voting members shall be ratified by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election; and
- (3) the term of a voting board member elected by a majority vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service as required by this section.

4.4.3 The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC, shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

4.4.4 The Mission Valley Planning Group officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

5. Open and Public Elections

5.1. Equal Participation

The CPG shall develop election procedures to encourage equal participation by all members of the public of a community, including term limits which voting board members of a recognized CPG can serve.

All members of the public affiliated with the community within the geographical boundary of the CPG will be allowed to vote in CPG elections, so long as they meet minimum conditions for eligibility per Section 4.2 of these Terms and Conditions and comply with the following:

- Only one elected CPG voting board member per business tax certificate
- Only one elected CPG voting board member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or Section 5.1.1.

5.1.1 Voter Identification for Resident Community Members Consistent with state and federal law, proof of residency or identity, should consist of presenting an original or copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

(1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (A) driver's license or identification card of any state; (B) passport; (C) employee identification card; (D) identification card provided by a commercial establishment; (E) credit or debit card; (F) military identification card; (G) student identification card; (H) health club identification card; (I) insurance plan identification card; or (J) public housing identification card.

(2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) utility bill; (B) bank statement; (C) government check; (D) government paycheck; (E) document issued by a

governmental agency; (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity; (G) voter notification card issued by a governmental agency; (H) public housing identification card issued by a governmental agency; (I) lease or rental statement or agreement issued by a governmental agency; (J) student identification card issued by a governmental agency; (K) tuition statement or bill issued by a governmental agency; (L) insurance plan card or drug discount card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (Q) drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration issued by a governmental agency; or (T) vehicle certificate of ownership issued by a governmental agency.

5.1.2 Voter Identification for Community Business Owners

Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the CPG boundaries. These requirements should be construed liberally and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.1.3 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the CPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.4 Voter Identification for Community Non-Resident Property Owners Non-residents who own property within the community should present documents similar to those described in 5.1.1 above, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.2 Transparency and Inclusion in Operations

Provisions that will govern the election or appointment of voting board members of the CPG, their removal if necessary, and the process to fill vacancies which will provide for a fair and transparent process, intended to ensure broad outreach to the community, sufficient time for community members to participate in elections, and the principles of inclusion and diversity in CPG operations include at least the following:

CPG operating procedures address the following:

- Cut-off date for candidates to submit nominations, will be at the regular February meeting before an annual March election
- Verification of candidate eligibility prior to printing a ballot
- Creation of a ballot with all candidates identified by name

- Handling of write-in candidates, if applicable, including how to verify eligibility for a write-in candidate's name on a submitted ballot
- Handling of a candidate's absence from a scheduled candidates' forum
- Location(s) of polls, including managing multiple concurrent polling locations, if allowed
- Management of the polls
- Verification of voter eligibility as referenced in Sections 5.1.1-5.1.4 in these Terms and Conditions
- Ballot construction & content
- Setting election date(s)
- Setting voting time(s)
- Mail-in ballot procedures, if applicable
- Closing the polls
- Counting the ballots, including when, by whom, and how to account for a candidate continuing beyond eight or nine consecutive years of service
- Clarifying whether a plurality voting system is being used, or if a majority is required for a seat to have a declared winner
- Ballot record keeping
- Tie-breaking procedures
- Election challenge procedures
- Timing of installation of newly elected voting board members
- Maintaining confidentiality of secret written ballots
- Discouragement of electioneering (individuals actively trying to convince voters to vote for a specific candidate at the time and place of the election)
- Next steps if a seat remains unfilled due to lack of, or ineligibility of, a candidate, or as a result of a successful election challenge.

5.3 Election Timing

The CPG will endeavor to host its elections during the month of March each year to be consistent with other CPGs.

5.3.1 Equal Participation

The Mission Valley Planning Group encourages equal participation by all members of the public within the boundaries of the community, including term limits for voting members.

All members of the public affiliated with the community within the geographical boundary of the Mission Valley Planning Group will be allowed to vote in its elections, so long as they meet minimum conditions for eligibility per Section 4.2 of the "Terms and Conditions" and comply with the following:

- Only one elected CPG voting board member per business tax certificate
- Only one elected CPG voting board member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code.

General elections of Mission Valley Planning Group Board members shall be held during the month of March in accordance with these Bylaws-Article V: Elections.

All general and special elections in which the public may vote shall be open and public.

The Mission Valley Planning Group's general elections shall be held every two years and shall occur immediately preceding the regular March business meeting.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Membership Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

5.3.3 The Mission Valley Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections. Notices of the biennial March election meeting should be published in a local community area newspaper of general circulation, posted on its website and mailed or electronically noticed to each eligible member, when a current method of contact is on file.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The Mission Valley Planning Group holds its election before the March regular meeting, every two years.

The Mission Valley Planning Group will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community. Any number of eligible community members in attendance constitutes a quorum for the purposes of conducting the election.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates' various categories of eligible community members can vote for and which candidates, if any, must receive a majority of the vote due to service beyond eight or nine consecutive years of service.

At every election of planning group's member any eligible member qualified in accordance with Article III Section 1 of these By-laws shall have the right to be nominated as a write-in candidate. The nomination shall be by another qualified eligible member to be considered along with the committee's nominees for election to the planning group. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

5.3.4 Voting to elect new community planning group voting board members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy

600-24 and is not allowed.

The Ballot Box will be available from 10AM until 12NOON at time and place of the Mission Valley Planning Group regularly scheduled meeting. The Ballot Box will be manned by 2 voting Board Members and at closing of Polls at 12Noon, handed out to the Election Committee Chair.

During the biennial election meeting, each eligible community member present, meeting the qualifications of Article III, shall cast one vote for each of two (2) or three (3) or fewer separate candidates from each of the classifications of membership defined in Article III, Section 2 of these bylaws, for planning group membership. Said voting shall be by written ballots. There shall be no absentee voting by eligible community members. Upon tabulation of all of the ballots, the two (2) or three (3) candidates receiving the highest number of votes in each of the classifications of membership defined in Article III, Section 2 of these Bylaws shall be the planning group members in that category and for the appropriate term.

In case two (2) or more candidates receive the same number of votes for the third (3rd) seat to be filled in any of the classifications of membership defined in Article III, Section 2 of these bylaws, the Chair or designee shall supervise the breaking of the tie(s). Tie(s) shall be resolved by the Toss of the Coin.

5.3.5 Election Procedures

The “Terms and Conditions” provide general guidance for Planning Group elections. The following are procedures pertaining to all Mission Valley Planning Group elections:

a. The Chair of the Mission Valley Planning Group will appoint an Election Committee consisting of 4 to 7 voting board members. Said Election Committee shall not include any voting board members who will stand for re-election. The primary purpose of this committee is to supervise the election preparation as well as the election itself. The Election Committee shall also review the eligibility of candidates between the time a candidate applies to run and the preparation of the ballot.

b. Voting is done by secret ballot placed in a box, with the Election Committee monitoring to ensure that voters have cast their ballot in secrecy. A plurality of votes cast will determine the election of candidates. Six (12) or (8) of the twenty (20) elected Members shall be elected by written secret ballot at each annual meeting and shall hold office for four (4) years thereafter. Each community member may cast votes equal to the number of vacant Member positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate. If any ballot is received which indicates votes exceeding the number of positions available or more than one vote per candidate, then that ballot will be void and will not be counted. The individuals who receive the most votes will be elected. The Election Committee is responsible for determining the validity of the ballots.

c. The Election Committee shall create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates for which to vote. The ballots must stipulate that only pens may be used to mark the ballots. Write-in candidates are allowed and space must be provided on the ballot for write-ins.

d. The polling location shall be the Mission Valley Library located - at 2123 Fenton Pkwy, San Diego, CA 92108. The polls shall be open and monitored by 2 Voting Board Members from 10

a.m. to 12 p.m. on the date of the election. Proxy and absentee ballots are not allowed.

e. The Chair of the Mission Valley Planning Group will announce the close of the elections and shall state that ballots will not be accepted after the polls close. All the ballots will be collected and counted by the Election Committee. In the event of a tie vote, a coin toss will determine the winner, with the candidates having an opportunity to be present. Upon final verification of the count, the Election Committee shall report the results to the Chair who shall certify and immediately announce the results. The Chair shall cause the results to be posted on the Mission Valley Planning Group website and offer the results for publication in the local newspapers.

5.3.6 The Mission Valley Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, general membership meeting in March. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New voting board members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

In case the eligible membership during a biennial membership meeting fails for any reason to fill all the required seats on the planning group required by Article III to be filled, such unfilled seats shall be treated in the same manner as a vacancy pursuant to Article IV of these bylaws.

6. Conduct of Meetings

6.1 Professional Conduct

The CPG and its voting board members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on the CPG's agenda.

6.2 Rules of Procedure

The CPG shall adopt rules of procedure for its meetings, such as Robert's Rules of Order or Rosenberg's Rules of Order, to provide a uniform means for the CPG to facilitate public meetings, conduct public business, and resolve disputes.

6.3 Transparency in Operations

The CPG will maintain transparency in its operating procedures as outlined herein and in Policy 600-24 to ensure open meetings with appropriate public notice to invite community participation in CPG meetings.

7. Additional CPG Responsibilities

7.1 Commitment to Non-Discriminatory Practices

The CPG, in conducting its responsibilities, will not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability.

7.2 Records Retention

The CPG will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a minimum of five (5) years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

7.3 Ethical Standards

The CPG will outline and adopt ethical standards for all CPG voting board members to guard against potential conflicts of interest and undue influence on any recommendation. These standards should include how CPG voting board members can recuse themselves or abstain from voting on decisions when such a conflict exists. The CPG shall submit its adopted ethical standards to the City Council in its application for recognition by the City Council (see Exhibit A). The CPG should use the City's Ethics Ordinance as a guide in drafting its ethical standards. The following are examples of acceptable CPG ethical standards:

7.3.1 Example Standards of Conflicts of Interest

CPG voting board members with a potential conflict of interest should recuse from participation in a recommendation if they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances.

7.3.2 Example Exceptions to Conflicts of Interest

Exceptions to conflicts of interest may be granted by a CPG board to other CPG voting members who can show that the decision will not have an effect on their economic interest.

7.3.3 Abstentions for Potential Conflicts of Interest

CPG voting board members may voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast doubt on that member's ability to make a fair decision, or a where that voting board member lacks sufficient information upon which to cast a vote. The CPG's record of the vote on the item will reflect an abstaining voting board member in the vote and they are still counted in a community planning group quorum for that item, regardless of the point in time they declare their abstention.

7.3.4 Political Actions

Neither the CPG nor voting board members in their capacity as such may use their title from or position on a CPG for political endorsements of individuals. The CPG may, however, upon majority vote, take a position on pending legislation that is within the CPG's purview.

7.3.5 Donations

Neither the CPG nor its voting board members should accept donations on behalf of any individual running for office.

7.3.6 Equal Time for Candidates or Ballot Measures

The CPG will grant equal time for candidates or ballot measures if docketed on the CPG agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

7.4 Voting Board Member Training

All CPG voting board members are required to complete the formal education program in-person or on-line offered by the City, each year, within 60 days of being initially elected or appointed to the

CPG, and by no later than June 1st of each succeeding year for as long as the voting board member is serving or re-elected. Evidence of completion of annual training shall be part of the CPG's official records. Failure of voting board members to complete the specified training each year will make the member ineligible to serve.

7.5 Collaboration with City Staff

CPG voting board members will collaborate with the City on an ongoing basis and as requested by the City to increase its voting board members' understanding of the role and responsibilities of the CPG.

8. CPG Rights and Liabilities

8.1 Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the CPG or its individual voting board members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the CPG or its duly elected or appointed voting board members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with these Terms and Conditions, all of the findings specified in the Ordinance can be made, and the rights to defense and indemnification are consistent with state law. The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act.

When the CPG or one of its individual voting board members is found to be out of compliance with the provisions of Policy 600-24, or with these Terms and Conditions, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

8.2 Violations and Remedies Related to Provisions Citing the Brown Act

Pursuant to provisions required by the Brown Act, including civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of the provisions, the CPG will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void CPG actions. Individual voting board members of the recognized CPG, as well as the group as a whole, could be subject to civil remedies. Civil remedies may include relief to prevent or stop future or ongoing violations of the Brown Act, or to void past actions of the CPG, and may in some cases include payment of court costs and attorney's fees.

Individual voting board members of the CPG may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, if the voting board member intended to deprive the public of information to which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions. The CPG, or any of its individual voting board members, may seek assistance, as well as training, from the City to better understand, implement, and comply with the Brown Act.

Any member of the public may refer alleged violations of the Brown Act by the CPG to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. The CPG, or any of its individual voting board members, accused of criminal violations of the Brown Act does not have the right to legal protection or representation under these Terms and Conditions or San Diego Ordinance O-19883.

8.3 Violations of Membership Eligibility

Any CPG voting board member who violates membership eligibility as defined in Section 4.2, may be removed by the remaining CPG voting board members as outlined in Section 5.2 and these operating procedures.

8.3.1 Removal of Ineligible Voting Board Members

A CPG shall include in its Operating Procedures a procedure for removal of voting board members for failure to retain eligibility, which should provide affected voting board members with fair notice and require ineligibility determinations to be supported by documentation.

8.4 Violations and Remedies

If the CPG violates these Terms and Conditions, it may forfeit its status as a recognized CPG and lose its right to indemnification and defense by the City. A CPG voting board member and the CPG itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Terms and Conditions by a CPG voting board member, the CPG will conduct an investigation consistent with Policy 600-24.

In the case of an alleged violation of Policy 600-24, the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The CPG will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

The CPG acknowledges that if the Mayor or their Designee is unable to resolve a dispute or determines that there has been a violation, the Mayor or their Designee may seek to resolve the dispute or violation informally, with the cooperation of the CPG, or may recommend to the City Council that the CPG's recognition be revoked.

The CPG acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that a CPG has violated their Terms and Conditions or Policy 600-24 and the CPG has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the CPG's recognition under this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

8.5 Disciplinary Actions of Individual Voting Board Members in Violation of Terms and Conditions

The CPG acknowledges that any of its voting board members found to be in violation of these Terms and Conditions shall only be disciplined or removed by the CPG at a scheduled CPG meeting. This discipline or removal will be advertised on the agenda as an action item and the investigation or complaint will be reported to the City within 60 days of the allegation so as to ensure a fair and public process.

8.6 Potential Conflicts of Interest

CPG voting board members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action, which may include expulsion from the board. The CPG will report in writing instances of disciplinary action to the City within 60 days of any allegation.

8.7 Violations and Remedies for Quorum and Attendance Requirements

If the CPG is unable to meet quorum and attendance requirements for three consecutive months, then City may place the CPG in a temporary inactive status, to allow the CPG to work through its membership issues to return to active status. If the CPG remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor or their Designee may recommend to the City Council that the CPG's recognition be revoked.

8.8 Violations of City Requests for Input

The CPG acknowledges that a consistent failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to the General Plan or a community, precise, or specific plans may result in revocation of recognition as referenced in Policy 600-24. Consistent failure to provide input on private development applications or public infrastructure projects may result in revocation of recognition. Further, that such a determination resulting in the forfeiture of rights to represent its community for these purposes will be made by the Council upon the recommendation of the Mayor or his/her Designee.

9. Collective Action of the CPG

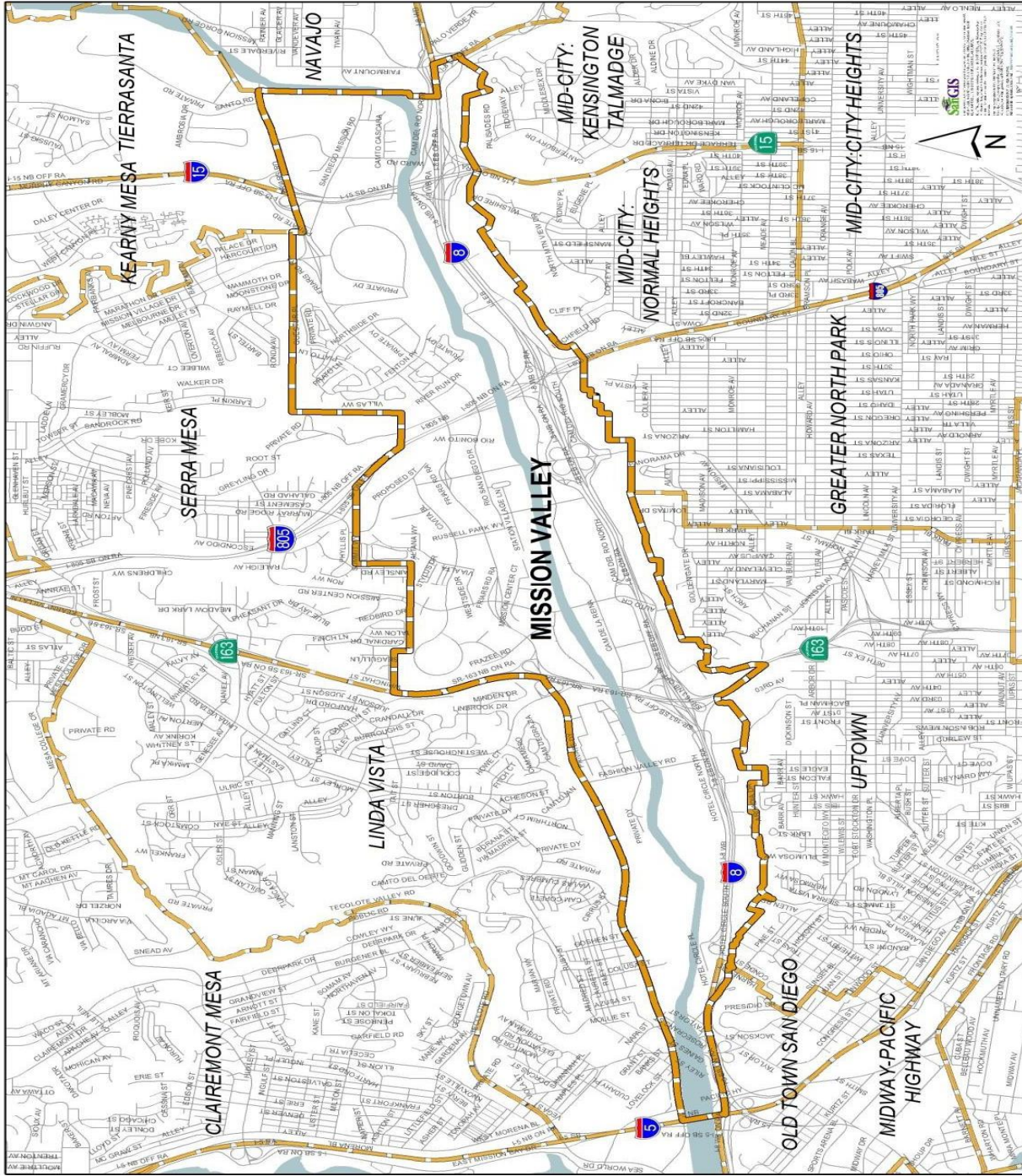
The official positions and opinions of the CPG will not be established or determined by any organization other than the recognized CPG, nor by any individual voting board member or subcommittee of the CPG.

10. Term of the Terms and Conditions

These Terms and Conditions will be effective in perpetuity of the life of the CPG unless the CPG adopts an amendment by at least a 2/3rds vote of non-vacant seats and is approved by a representative of the city planning department or unless recognition of the CPG is revoked by the City as described in Section 8.4 or the Terms and Conditions are updated to be consistent with Policy 600-24 as it may be amended.

Attachment:

EXHIBIT A: Mission Valley Planning Group Boundary Map for APPLICATION FOR CITY COUNCIL RECOGNITION



Document Path: L:\GIS\Documents\Harris\mission_valley\CA_NA_PLOT.shp, outline.mxd



Exhibit A: Boundary Map - Mission Valley

Mission Valley Planning Group
Bylaws
Submitted 12/31/2023

ARTICLE I Name

Section 1. The official name of this organization is the Mission Valley Planning Group.

Section 2. All activities of this organization shall be conducted in its official name.

Section 3. The community planning area boundaries for the Mission Valley Planning Group are the boundaries of the Mission Valley community, as shown on Exhibit "A."

Section 4. Regular and General meetings of the Mission Valley Planning Group shall be held within these boundaries, except that when the Mission Valley Planning Group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 5. The official positions and opinions of the Mission Valley Planning Group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The Mission Valley Planning Group is the City Council-recognized, independent advisory planning group that makes recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Mission Valley community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24, "Responsibilities" 2.1-2.2., "Purpose of Community Planning Groups and Terms and Conditions".

Section 2. In reviewing individual development projects, the Mission Valley Planning Group should focus such review on conformance with the Land Development Code and the adopted community plan, the Planned District Ordinance and/or the General Plan. Preliminary comments made by the planning group on projects may be submitted to the City during the project review process. Formal planning group review recommendation(s) will be submitted to the City within seven calendar days from taking action or Bulletin 620 transmitted to City within 48 hours from taking action. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Mission Valley Planning Group shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. Neither the Mission Valley Planning Group nor its voting board members in their capacity as such shall use their title from or position for political endorsement of individuals. shall take part in, officially or unofficially, or lend its influence in, the election of any candidate for

political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may, however, upon majority vote, take a position on pending legislation that is within the Mission Valley Planning Group's purview.

Section 5. The Mission Valley Planning Group's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects may result in the forfeiture of rights to represent the Mission Valley community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by a resolution of the City Council upon the recommendation of the Mayor's Office, setting forth findings justifying its revocation.

Section 6. The Mission Valley Planning Group operates under the authority of the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act) which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Terms and Conditions & Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the Mission Valley Planning Group, as well as to all other community planning groups, even if individual groups' bylaws are not required to be amended with parallel language.

In addition, the Council Policy 600-24 "Term and Conditions" provides explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. The latest version of Robert's Rules of Order is used when the Policy, "Terms and Conditions" and these bylaws do not address an area of concern or interest.

Section 7. The Mission Valley Planning Group may propose amendments to these bylaws by two-thirds majority (2/3) vote of the voting board members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organization

Section 1. To be an eligible member of the community an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

An individual may become an eligible member of the community by demonstrating qualifications to the planning group Membership Chair by completing an application for membership prior to the March election or at the time of voting.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the Mission Valley Planning Group shall require proof of eligibility during elections.

Planning group Board members shall be elected by and from eligible members of the community.

The Mission Valley Planning Group shall consist of a maximum of 20 elected voting Board members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected voting board members of the Mission Valley Planning Group shall, to the extent possible, representative of the various geographic sections of the community and diversified community interests.

On the Mission Valley Planning Group, elected voting Board seats are filled by distribution of seats among the following interests:

Class I: Five - renter

Class II: Five - home owner

Class III: Five - business owner

Class IV: Five - commercial property taxpayer

Section 3. Members of the Mission Valley Planning Group Board shall be elected to serve for fixed terms of four (4) years with expiration dates during alternate years to provide continuity.

No voting Board member may serve on the planning group for more than eight (8) consecutive years. The eight-year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group Board member, an individual who had served for eight consecutive years shall again be eligible for election to the planning group Board.

The planning group Board will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group Board may retain some members who have already served for eight consecutive years to continue on the planning group Board without a break in service. Refer to Council Policy 600-24 Article "Terms & Conditions 4.4.1 to 4.4.2 (3) inclusive".

Section 4. A Board member of the Mission Valley Planning Group must retain eligibility during the entire term of service.

Section 5. A voting Board member of the Mission Valley Planning Group found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A voting member of the Mission Valley Planning Group Board who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

Section 7. Appointment of non-voting seats shall be limited to 7 who shall serve on Subcommittees to ensure representation of unique stakeholder interests in the community planning area.

Section 8. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC, shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 9. The Mission Valley Planning Group officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE IV Vacancies

Section 1. The Mission Valley Planning Group shall find that a vacancy exists upon receipt of a resignation in writing from one of its voting Board members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings.

A vacancy may also exist following a vote of a community planning group, as described in Policy III, Section 5, of Council Policy 600-24 related to ineligibility, or following conclusion of a voting board member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

Section 2. Board vacancies that may occur on the Mission Valley Planning Group should be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any voting Board member filling a vacancy shall be for the balance of the vacated term.

The Mission Valley Planning Group shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by a majority vote of the planning group Board voting board members at the time the vacancies are declared.

Two or more concurrent vacancies shall be filled by a vote of all eligible community members of the community by secret written ballot.

Section 3. When the Mission Valley Planning Group Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve voting Board members, the search for a new member should continue, however either the seat may remain vacant until the next

planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If, after 60 additional days, the planning group membership has not reached 12 Board members, the planning group will be deemed inactive until it has attained at least 12-members in good standing.

Waiver of Maximum Time of Service to ensure there are at least 12 voting board members shall be ratified by the majority of the votes cast by eligible community members participating in the regular election; and the term of a voting board member elected by a majority vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service. See Policy 4.4.3 & 3. Terms and Conditions.

ARTICLE V Elections

Section 1. General elections of Mission Valley Planning Group Board members shall be held during the month of March in accordance with the adopted elections procedures found in **Exhibit C** of these bylaws.

All general and special elections in which the public may vote shall be open and public.

The Mission Valley Planning Group's general elections shall be held every two years.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

Section 2. The Mission Valley Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The Mission Valley Planning Group holds its election before the March regular meeting, every two years.

The Mission Valley Planning Group will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates' various categories of eligible community members can vote for and which candidates, if any, must receive a majority of the vote due to service beyond eight or nine consecutive years of service.

The Mission Valley Planning Group's policy related to write-in candidates is that write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new community planning group members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The Mission Valley Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, general membership meeting in March. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting. Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the Mission Valley Planning Group to cooperatively work with the City throughout the planning process, when requested by the City, including but not limited to the formation of long-range community goals, objectives, and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No voting board member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. (a) Meeting Procedures

It shall be the duty of each voting board member of the Mission Valley Planning Group to attend all planning group meetings.

(i) **REGULAR AGENDA POSTING** - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

The agenda shall be offered to the City for posting on the City's website and posted at the Mission Valley Library as well as the Mission Valley Planning Group website www.missionvalleyplanninggroup.com.

- (ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.
- (iii) ADJOURNMENTS AND CONTINUANCES – If the Mission Valley Planning Group does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

- (iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.
- (v) CONSENT AGENDA - For items to be considered for a “Consent Agenda” all of the following are required:
 - 1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting.
 - 2. All interested members of the public were given an opportunity to address the subcommittee.
 - 3. The item has not substantially changed since the subcommittee’s consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

- (vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant voting board member seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

- (vii) DEVELOPMENT PROJECT REVIEW - The Mission Valley Planning Group may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of the applicant, affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

- (viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the voting board members of a community planning group, or every member if less than two-thirds of the voting board members of the community planning group are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

A majority vote of the voting board members of the Mission Valley Planning Group is required to remove an elected community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting board members of the Mission Valley Planning Group for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting board members of the Mission Valley Planning Group.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting board members of the Mission Valley Planning Group.

All other Mission Valley Planning Group actions, including subcommittee votes, only require a simple majority of the voting board members of the group in attendance when a quorum is present.

The Mission Valley Planning Group planning group's chair fully participates in planning group discussions and votes on all action items.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected Board members of the planning group identified in Article III of these bylaws.

- (ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Mission Valley Planning Group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.
- (x) SPECIAL MEETINGS - The chair of the Mission Valley Planning Group, or a majority of planning group Board members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.
- (xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the Mission Valley Planning Group and are prohibited under these bylaws.
- (xii) RIGHT TO RECORD - Any person attending a meeting of the Mission Valley Planning Group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (xiii) DISORDERLY CONDUCT - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful, then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The Mission Valley Planning Group may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

- (i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Mission Valley Planning Group as identified in Article II, Section 1, the planning group has established the following standing subcommittees: The Mission Valley Design Advisory Board, the Mission Valley Community Plan Update Committee, and the Membership Committee. (See Exhibit B)
- (ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for a finite period of time to review more focused issue areas and shall be disbanded

following their review.

- (iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning group and non-voting members who are duly appointed by a planning group to serve on as subcommittee.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Terms and Conditions.

- (iv) RECOMMENDATIONS – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

- (i) RECUSALS - Any member of the Mission Valley Planning Group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.
- (ii) ABSTENTIONS – In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

CPG voting board members should voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast doubt on that member’s ability to make a fair decision, or a where that member lacks sufficient information upon which to cast a vote. The CPG’s record of the vote on the item will reflect an abstaining member in the vote and they are still counted in a CPG quorum for that item, regardless of the point in time they declare their abstention.

Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain. At the time of the vote, a member shall disclose their reason for abstaining.

(d) Meeting Documents and Records

- (i) AGENDA BY EMAIL or MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

- (ii) **AGENDA AT MEETING** - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

- (iii) **MINUTES** – For each planning group meeting, a report of Mission Valley Planning Group member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the group’s next regularly scheduled meeting. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group
Email address: SDplanningGroups@sandiego.gov and be posted on the Planning Group website: www.missionvalleyplanninggroup.com
The Mission Valley Planning Group is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

- (iv) **RECORDS RETENTION** – Mission Valley Planning Group records must be retained for public review for a minimum of five (5) years, either in its website, in electronic files or in hard copies, from the date each record is created. Community planning group official records are meeting agendas and any other writings that are distributed to at least a majority of the group voting board members in connection with a matter subject to consideration at an open meeting of the group. Community planning group records do not include writings that are required to be submitted to the city in accordance with Council Policy 600-24 to substantiate and document the Mission Valley Planning Group operations and compliance. The Mission Valley Planning Group also receives materials that do not qualify as records. The “Terms and Conditions” discuss categories of material that are City records, community planning group official records, and non-records.

Section 3. It shall be the duty of the Mission Valley Planning Group and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the Mission Valley Planning Group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City an annual report of accomplishments for the past 12 months and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The Mission Valley Planning Group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Elected Voting Board Members of the Mission Valley Planning Group must complete the City's formal education program, which is offered online, each year and each time they are elected, re-elected, appointed, or re-appointed. The training will include the Brown Act, project development review, and an advanced curriculum for returning voting board members. This training may also include sessions for voting board members and the public to increase understanding of the project review process and voting board members roles and responsibilities. Chairs and Vice-Chairs and any subcommittee or ad hoc committee should also attend advanced trainings in the development review process specific to CPG responsibilities and limits; California Environmental Quality Act (CEQA) review training; conduct of meetings and group operations; and an interactive component where new voting board members can learn from experienced other voting board members. These trainings will be provided by the City either online or in person. The training must meet the requirements of San Diego Ordinance O-19883. Newly seated CPG voting board members must complete the City's formal education program training within 60 days of being elected or appointed to a CPG, or the individual will become ineligible to serve as a voting board member

ARTICLE VII Planning Group Officers

Section 1. The officers of the Mission Valley Planning Group (Executive Committee) shall be elected from and by the voting board members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary and Treasurer. The length of an officer's term shall be 4 years, except that no person may serve in the same planning group office for more than eight consecutive years. After a period of one (1) year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group, general membership and communitywide meetings organized by the planning group and shall be empowered to appoint subcommittees and subcommittee chairpersons to assist in carrying on the business of the committee.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary, because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the planning group.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions including identification of those planning group members

that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons, and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. Treasurer. The Treasurer shall deposit all moneys in the name and to the credit of the planning group with such depositories as may be designated by the Executive Committee. The Treasurer shall disburse the funds of the planning group as may be ordered by the planning group, shall render to the planning group, when it requests an account of all of the community planning group's transactions and of the financial condition of the planning group.

Section 6. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC, shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 7. The Mission Valley Planning Group officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. The Mission Valley Planning Group bylaws incorporate policies and procedures directed by Policy I through VIII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibit C attached to the bylaws. Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Mission Valley Planning Group and its duly elected or appointed voting board members, have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance) and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with this Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Mission Valley Planning Group and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual voting board members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group voting board members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a)

Alleged Violations by a Member of the Mission Valley Planning Group. In cases of alleged violations of the Mission Valley Planning Group bylaws or Council Policy 600-24 by a planning group voting board member, the planning group may conduct an investigation consistent with the “Terms and Conditions” and “Policies and Procedures” and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group’s bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a majority vote of the voting board members of the community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the “Terms and Conditions” and these bylaws.

A recognized community planning group voting board member or planning group found to be out of compliance with the provisions of Council Policy 600-24 or the planning group’s adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below: Any action by the Mission Valley Planning Group to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected board member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair, or other officer may

assist in providing appropriate citations to assist the complainant.

- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and Mission Valley Planning Group would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a majority vote of those voting board members present, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a majority vote of the voting board members of the recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a majority vote of the voting board members of the recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b)

Alleged Violations Against the Mission Valley Planning Group as a Whole. In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple voting board members of the planning group, the violation shall be forwarded, within 30 days, in writing to the Mayor or its designee. The City will work with the planning group to determine the validity of the complaint and to seek resolution. The Mission Valley Planning Group will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of Council Policy 600-24, the Brown Act, or its adopted bylaws, then the planning group risks the loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

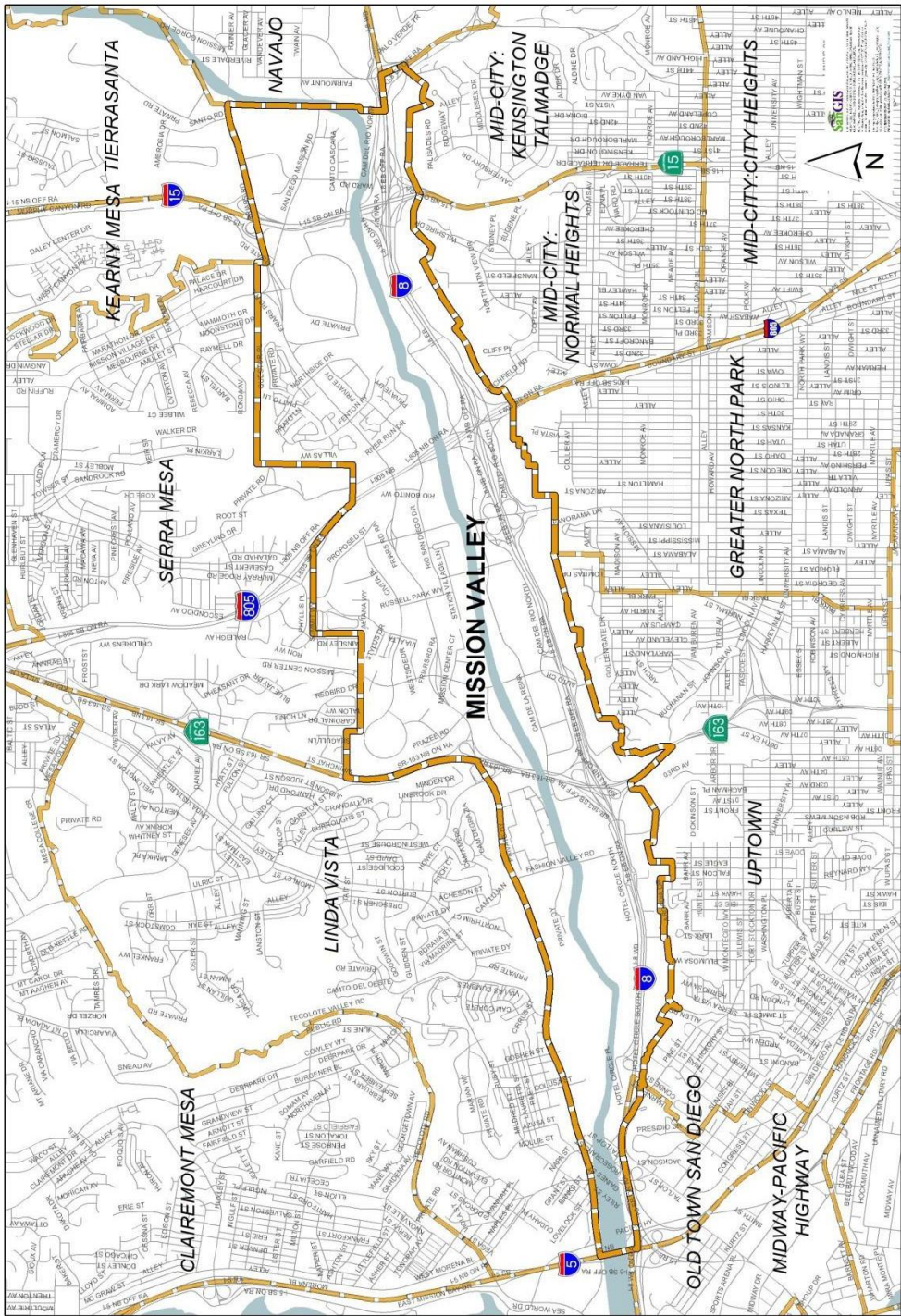
(c)

If the planning group is unable to meet quorum and attendance requirements for three consecutive months, then the City may place the planning group in a temporary inactive status, to allow the planning group to work through its membership issues to return to active status. If the planning group remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor may recommend to the Council that the planning group's recognition be revoked.

Exhibit A: Mission Valley Planning Group Boundary

Map Exhibit B: Mission Valley Planning Group Standing Committees

Exhibit A - Mission Valley Planning Group Boundary Map



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Exhibit A: Boundary Map - Mission Valley

Exhibit B
Mission Valley Planning Group
Standing Committees

1. Design Advisory Board (DAB)

(A) The Design Advisory Board (DAB) shall be composed of up to seven (7) members. The committee members, and chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) Committee members should be persons who are specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession able to judge the aesthetic and/or design effects of a proposed development. The majority of the members shall be Board Members of the Mission Valley Planning Group. At least two (2) committee members should be registered architects. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-Board members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the Design Advisory Board meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The Design Advisory Board may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

2. Mission Valley Community Plan Update Committee

(A) The composition of Mission Valley Community Plan Update Committee shall be determined from time to time based on the business of the Mission Valley Planning Group. The committee members, and chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) The majority of the committee members shall be Board Members of the Mission Valley Planning Group. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-Board members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the committee meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The committee may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

3. Membership Committee

(A) The composition of Membership Community shall be determined from time to time based on the business of the Mission Valley Planning Group. The committee members, and Chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) The majority of the committee members shall be Voting Board Members of the Mission Valley Planning Group. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-voting Board members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the committee meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The committee may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

Exhibit C: Elections

Section 1. Equal Participation

The Mission Valley Planning Group encourages equal participation by all members of the public within the boundaries of the community, including term limits for voting board members.

All members of the public affiliated with the community within the geographical boundary of the Mission Valley Planning Group will be allowed to vote in its elections, so long as they meet minimum conditions for eligibility per Section 4.2 of the “Terms and Conditions” and comply with the following:

- Only one elected CPG voting board member per business tax certificate
- Only one elected CPG voting board member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code.

General elections of Mission Valley Planning Group Board members shall be held during the month of March in accordance with these Bylaws-Article V: Elections.

All general and special elections in which the public may vote shall be open and public.

The Mission Valley Planning Group’s general elections shall be held every two years and shall occur immediately preceding the regular March business meeting.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Membership Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

Section 2. The Mission Valley Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections. Notices of the biennial March election meeting should be published in a local community area newspaper of general circulation, posted on its website and mailed or electronically noticed to each eligible member, when a current method of contact is on file.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The Mission Valley Planning Group holds its election before the March regular meeting, every two years.

The Mission Valley Planning Group will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community. Any number of eligible community members in attendance constitutes a quorum for the purposes of conducting the election.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates' various categories of eligible community members can vote for and which candidates, if any, must receive a majority of the vote due to service beyond eight consecutive years of service.

At every election of planning group's member, any eligible member qualified in accordance with Article III Section 1 of these By-laws shall have the right to be nominated from the floor as a write-in candidate. The nomination shall be by another qualified eligible member to be considered along with the committee's nominees for election to the planning group. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new community planning group voting board members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

The Ballot Box will be available from 10AM until 12PM at time and place of the Mission Valley Planning Group regularly scheduled meeting. The Ballot box will be manned by 2 voting Board Members.

In case two (2) or more candidates receive the same number of votes for the third (3rd) seat to be filled in any of the classifications of membership defined in Article III, Section 2 of these bylaws, the Chair or designee shall supervise the breaking of the tie(s). Tie(s) shall be resolved by the Toss of the Coin.

Section 4. Election Procedures

The "Terms and Conditions" provide general guidance for Planning Group elections. The following are procedures pertaining to all Mission Valley Planning Group elections:

A. The Chair of the Mission Valley Planning Group will appoint an Election Committee consisting of 4 to 7 voting board members. Said Election Committee shall not include any voting board members who will stand for re-election. The primary purpose of this committee is to supervise the election preparation as well as the election itself. The Election Committee shall also review the eligibility of candidates between the time a candidate applies to run and the preparation of the ballot.

B. Voting is done by secret ballot placed in a ballot box, with the Election Committee monitoring to ensure that voters have cast their ballot in secrecy. A plurality of votes cast will determine the election of candidates. Six (12) or (8) of the twenty (20) elected Members shall be elected by written secret ballot at each annual meeting and shall hold office for four (4) years thereafter.

Each community member may cast votes equal to the number of vacant Member positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate. If any ballot is received which indicates votes exceeding the number of positions available or more than one vote per candidate, then that ballot will be void and will not be counted. The individuals who receive the most votes will be elected. The Election Committee is responsible for determining the validity of the ballots.

C. The Election Committee shall create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates for which to vote. The ballots must stipulate that only pens may be used to mark the ballots. Write-in candidates are allowed and space must be provided on the ballot for write-ins.

D. The polling location shall be the Mission Valley Library located - at 2123 Fenton Pkwy, San Diego, CA 92108. The polls shall be open and monitored by 2 Voting Board Members from 10 a.m. to 12 p.m. on the date of the election. Proxy and absentee ballots are not allowed.

E. The Chair of the Mission Valley Planning Group will announce the close of the elections and shall state that ballots will not be accepted after the polls close. All the ballots will be collected and counted by the Election Committee. In the event of a tie vote, a coin toss will determine the winner, with the candidates having an opportunity to be present. Upon final verification of the count, the Election Committee shall report the results to the Chair who shall certify and immediately announce the results. The Chair shall cause the results to be posted on the Mission Valley Planning Group website and offer the results for publication in the local newspapers.

Section 5. The Mission Valley Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, general membership meeting in March. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New voting board members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the Chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

In case the eligible membership during a biennial membership meeting fails for any reason to fill all the required seats on the planning group required by Article III to be filled, such unfilled seats shall be treated in the same manner as a vacancy pursuant to Article IV of these bylaws.